

Order

**Michigan Supreme Court
Lansing, Michigan**

July 20, 2006

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-26

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Proposed Amendment of
Rule 3.921 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering amendments of Rule 3.921 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and
deletions are indicated by strikeover.]

Rule 3.921 Persons Entitled to Notice

(A) [Unchanged.]

(B) Protective Proceedings.

- (1) General. In a child protective proceeding, except as provided in subrules (B)(2) and (3), the court shall ensure that the following persons are notified of each hearing:
 - (a) the respondent,
 - (b) the attorney for the respondent,
 - (c) the lawyer-guardian ad litem for the child,

- (d) subject to subrule (C), the parents, guardian, or legal custodian, if any, other than the respondent,
 - (e) the petitioner,
 - (f) a party's guardian ad litem appointed pursuant to these rules, ~~and~~
 - (g) ~~any other person the court may direct to be notified.~~ the foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the state, and
 - (h) any other person the court may direct to be notified.
- (2) Dispositional Review Hearings and Permanency Planning Hearings. Before a dispositional review hearing or a permanency planning hearing, the court shall ensure that the following persons are notified in writing of each hearing:
- (a) the agency responsible for the care and supervision of the child,
 - (b) the person or institution having court-ordered custody of the child,
 - (c) the parents of the child, subject to subrule (C), and the attorney for the respondent parent, unless parental rights have been terminated,
 - (d) the guardian or legal custodian of the child, if any,
 - (e) the guardian ad litem for the child,
 - (f) the lawyer-guardian ad litem for the child,
 - (g) the attorneys for each party,
 - (h) the prosecuting attorney if the prosecuting attorney has appeared in the case,
 - (i) the child, if 11 years old or older,
 - (j) any tribal leader, if there is an Indian tribe affiliation, ~~and~~
 - (k) ~~any other person the court may direct to be notified.~~ the foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the state, and

(1) any other person the court may direct to be notified.

- (3) Termination of Parental Rights. Written notice of a hearing to determine if the parental rights to a child shall be terminated must be given to those appropriate persons or entities listed in subrule (B)(2).

(C)-(D)[Unchanged.]

Staff Comment: This amendment would add a requirement mandated by 42 USC 638(b) that foster parents, preadoptive parents, and relative caregivers receive notice of hearings in child protective proceedings.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by November 1, 2006, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2006-26. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 20, 2006

Corbin R. Davis

Clerk